

MINUTES OF THE WORK SESSION OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD SEPTEMBER 10, 2009, AT 6:00 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

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CALL TO ORDER AND ROLL CALL

Mayor Joens called the work session to order at 6:00 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor  
Karen Pfeifer, Vice Mayor  
Duane Kirby, Council Member (attended via tele-conference)  
Linda Norman, Council Member  
Terence Pratt, Council Member  
Darold Smith, Council Member

COUNCIL MEMBER ABSENT

Tim Elinski, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager  
Richard Faust, Parks & Recreation Director  
Gary Eisenga, Police Commander

Rick Contreras, Fire Marshall  
Steve Horton, City Attorney  
Richard Smith, Deputy Clerk

ITEMS FOR DISCUSSION, DELIBERATION AND POSSIBLE DIRECTION TO STAFF

PROPOSED REVISIONS TO THE MUNICIPAL CODE, CHAPTER 8.32, ALARM SYSTEMS, PERTAINING TO DEFINITIONS, ALARM USER RESPONSIBILITIES, REGULATIONS, PENALTIES, ETC.

Commander Eisenga stated this proposed ordinance involved changes to the alarm code section of the Municipal Code. It would increase penalties for false alarms to \$50 for a first offense and impose higher penalties for repeat offenses. COPS volunteers would be utilized to inform citizens of the changes. In the first half of 2009 there had been 254 false alarms. To date there have been 363, of which only two were validated. Responding to false alarms required the time of two police officers sent to each location since there is no way to tell if the call was a false alarm or not. Each call required fifteen to thirty minutes to investigate and verify its nature which added up to a lot of lost man-hours to the department.

Fire Marshall Contreras stated when the fire department was called out, four people were sent to the scene of the alarm with similar losses in time.

Mr. Bartosh stated 99.4 percent of all alarm calls were false and usually the result of poor equipment maintenance or user error because of lack of knowledge about how to use equipment properly.

Council Member Pratt stated this would put pressure on owners to maintain their

equipment.

Council Member Smith stated storms could cause false alarms. He asked if people would be penalized for acts of God.

Mr. Horton stated acts of God were specifically excluded.

Mr. Bartosh stated many monitoring companies now called owners first before contacting emergency services and some cities required that be done.

Council Member Pratt asked what the phrase "common cause" meant in the document.

Commander Eisenga stated he was unsure and would have that phrase deleted.

Mayor Joens stated the Council's direction was to go ahead and prepare to bring this before the Council as an ordinance.

PROPOSED AMENDMENT TO THE COTTONWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER TO ADDRESS UNRULY GATHERINGS OF FIVE OR MORE PERSONS ON ANY PRIVATE PROPERTY, INCLUDING PROPERTY USED TO CONDUCT BUSINESS, IN A MANNER WHICH CAUSES A DISTURBANCE OF THE QUIET ENJOYMENT OF PRIVATE OR PUBLIC PROPERTY BY ANY PERSON OR PERSONS

Commander Eisenga stated Chief Fanning had previously made recommendations for this proposed ordinance. Changes requested by the Council had included requiring a notice on an offending property to remain visible for 180 days. That had been changed, at the Council's request, to 90 days. The need for the ordinance was shown by a recent incident in which 13 adults and 4 juveniles were arrested at an unruly gathering. Unruly gatherings were a common and ongoing problem. This proposed ordinance would allow penalties to be assessed against the offenders and the landlord. A Spanish edition of the notice was in the process of being prepared and its color had been changed from red to green, as requested by the Council.

Mayor Joens opened the floor for the public to speak. There were no comments from the public.

Mayor Joens stated the consensus and direction was for him to move forward with this and bring it before the Council as an amendment to the Municipal Code.

PROPOSED FEE STRUCTURE FOR USE OF THE COTTONWOOD RECREATION CENTER

Mr. Faust stated staff had made a study of the fee structures of similar sized recreation centers in the surrounding area including Durango, Colorado; Flagstaff; Prescott; and various Phoenix area cities. The intent was to get the median range of fees in current use since there were no comparable facilities in the Verde Valley. The fee structure proposed fell

within \$5-\$25 of those proposed by the initial 2005 feasibility study. It included rates for residents and non-residents, something done by other cities. Fees were designed with a standard rate and a discount rate applicable to residents. A proposed rate structure was distributed with the Council packets. Discounts would apply for multi-month subscriptions. A one year subscription would receive a discount of 20 percent. Most other towns only allowed 10-15 percent discounts on one year subscriptions. Our rates would be cheaper than those charged by various commercial gymnasiums in town. What we would not offer was the one-on-one training and attention those establishments were able to offer. The goal was to attract family use.

Council Member Pratt stated the rates were incredibly affordable.

Mr. Faust stated the fees aimed at recovering 60-90 percent of the costs of operation.

Council Member Kirby asked if residents of other towns and cities would receive the resident discount since they paid sales taxes when they made purchases in Cottonwood.

Mr. Faust stated non-residents would be required to pay the full fee rates which had been the direction given by the Council previously.

Council Member Kirby stated he would vote no as he believed it wasn't right that others who paid city sales tax should pay higher fees.

Mr. Bartosh stated it was not only sales taxes that were involved but also State shared revenues which were allocated strictly on the basis of a municipality's population. Residents had, in effect, paid more for the facility than non-residents.

Mr. Faust stated the proposed rates were so far under those of commercial establishments they would not be a cause of complaint.

Council Member Smith asked how the rates had been determined since the initial study had assumed that the hospital would be making a contribution to the facility.

Mr. Faust stated there had been no additional feasibility study, but the Finance Director had verified the figures and estimated a cost recovery rate of 60-90 percent. The original cost estimates were \$1.6 million annual operating costs in the feasibility study. Our current projections were for costs to be in the range of \$1.25 million. It was believed that 80-90 percent recovery of those costs was possible.

Mr. Bartosh stated the General Fund had been budgeted with amounts to meet only a 60 percent recovery rate if revenues proved to be lower than anticipated.

Council Member Pratt stated the discount rates were legitimate and he thought the popularity of the facility would cause the cost recovery to be higher than expected.

Mr. Faust stated this was not a fully comprehensive fee proposal. Rates for the banquet center, rock wall, and use of public rooms had not yet been set. Another work session would be required to fully consider all the rates involved.

Mayor Joens stated that few such facilities fully paid all the costs of their operation. It was the City's purpose to provide services and facilities for citizens for their tax dollars. This facility would benefit the whole community, including youth and the elderly.

Council Member Norman asked about the cost of child care at the facility.

Mr. Faust stated it was estimated the charge would be \$1 - \$1.50 per hour.

Mr. Bartosh stated \$700,000 had been budgeted in case any subsidy of the facility was needed. As there were only two months in the current fiscal year it would be in operation, the subsidy should be sufficient, if needed at all. If it was not, it would be considered as a potential source for salary increases.

Vice Mayor Pfeifer stated there was the additional health benefit of exercise without the risk of exposure to skin cancer.

Mayor Joens asked how the disadvantaged would be accommodated.

Mr. Faust stated financial assistance would be offered as well as discounts. Needy families would be eligible for half price rates at \$32.50 per month for residents with similar discounts available for non-residents. MatForce had donated \$500 toward such assistance. Other scholarship and grant opportunities were available.

Council Member Smith asked about employee discounts.

Mr. Faust stated the current system of allowing use by employees free of charge would continue. Their family members would continue to receive the current fifty percent discount. It was hoped that packages could be made available at a discount to the large valley employers such as the hospital and Phoenix Cement who would then be able to pass on those discounts as a benefit to their employees.

Direction from Mayor Joens was for staff to bring a full rate proposal back to the Council for discussion and official action.

Council Member Smith moved to adjourn. Council member Norman seconded the motion, which carried unanimously. The work session adjourned at 7:12 p.m.